

December 3, 2004

via electronic mail

John Faust, Ph.D.  
Senior Toxicologist  
Office of Environmental Health  
Hazard Assessment  
1515 Clay Street, 16th Floor  
Oakland, CA 94610  
[jfaust@oehha.ca.gov](mailto:jfaust@oehha.ca.gov)

Subject: Cal/EPA EJ Action Plan Implementation: CSPA's Preliminary Comments regarding the Definition of "Multi-media Cumulative Impacts"

Dear Dr. Faust:

The Consumer Specialty Products Association ("CSPA") appreciates the opportunity to provide comments on the definition of "Multi-media Cumulative Impacts" under Cal/EPA's Environmental Justice Action Plan (the "EJ Action Plan"). CSPA supports the comments recently submitted by the California Council for Environmental and Economic Balance

In general, CSPA supports Cal/EPA's effort to define "multi-media cumulative impacts" under the EJ Action Plan. CSPA strongly believes that environmental justice programs should use clearly defined terms, which will allow Cal/EPA and all stakeholder groups to have a common understanding of the state's environmental justice policy.

#### STATEMENT OF INTEREST

CSPA is a voluntary, non profit national trade association representing approximately 240 companies engaged in the manufacture, formulation, distribution, and sale of chemical specialties products for household, institutional, commercial and industrial use. CSPA member companies' wide range of products includes home, lawn and garden pesticides, antimicrobial products, air care products, automotive specialty products, detergents and cleaning products, polishes and floor maintenance products, and various types of aerosol products. These products are formulated and packaged in many forms and are generally marketed nationally.

#### COMMENTS

In response to a suggested definition for "multi-media cumulative impacts," CSPA recommends the following: **"multi-media cumulative impacts means the adverse health risk posed by exposure to pollutants from multiple pollution sources."** This definition is appropriate because it captures the multi-media aspect by referring to "pollution sources" as opposed to, for example, just air pollution sources. It also captures the cumulative aspect (*i.e.*, sources evaluated in the aggregate) by referring to "multiple pollution sources."

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This definition is also consistent with OEHHA's guidance on health risk assessment in that it incorporates both cancer and non-cancer risk. Furthermore, this suggested definition allows consideration of multiple exposure pathways (e.g., air, water, food) and the toxicity of the pollutants involved.

In addition, CSPA believes that the definition of "multi-media cumulative impacts" should **not** include social factors (e.g., lack of health insurance, emotional stress, dilapidated housing, crime, poor nutrition). Environmental justice policies and related regulatory programs cannot be expected, nor should they be required, to resolve broader issues of social injustice. While these are issues that may present serious concerns for a community, they are issues that are beyond Cal/EPA's jurisdiction and are beyond Cal/EPA's capacity to resolve.

Cal/EPA's application of the above-proposed definition would allow objective, as opposed to subjective, evaluation of the cumulative impacts in a given community. This is critical to the development of fair and equitable programs to address cumulative impacts. This definition is also consistent with Cal/EPA's commitment to develop cumulative impacts policy with a "strong scientific foundation" and will allow Cal/EPA and its BDOs to prioritize their work and focus on the health risks that pose the greatest potential harm.

CSPA believes that it is important to note that the proposed definition of "multi-media cumulative impacts" would only cover the **scope** of multi-media cumulative impacts. It would not, for example, address the issue of how the agencies would determine if a cumulative impact problem exists.

CPSA strongly urges the Office of Environmental Health to adopt the proposed definition in lieu of the default definition suggested by members of Cal-EPA's Advisory Committee on Environmental Justice in September of 2003. The latter definition lacks any consideration of health risk and therefore will not inform rational decisions regarding: (1) what constitutes a cumulative impact; (2) whether the magnitude of the impact necessitates further regulation beyond existing program requirements; and (3) what measures may be necessary to mitigate the impact.

CSPA recognizes the many challenges facing Cal-EPA as it attempts to forge new Environmental Justice policy and we appreciate your consideration of these comments. We look forward to continued discussions with you and other EJ stakeholders. If you have any questions, please contact me at 202-872-8110.

Respectfully submitted,



William L. Lafield  
Vice President, State Affairs and Communications

cc: The Honorable Terry Tamminen

The Honorable James Branham

The Honorable Joan Denton

Tam M. Doduc, P.E.

Val F. Siebal

Laurie E. Nelson, Randlett/Nelson Associates

[tt@calepa.ca.gov](mailto:tt@calepa.ca.gov)

[jbranham@calepa.ca.gov](mailto:jbranham@calepa.ca.gov)

[jdenton@oehha.ca.gov](mailto:jdenton@oehha.ca.gov)

[tdoduc@calepa.ca.gov](mailto:tdoduc@calepa.ca.gov)

[vsiebal@oehha.ca.gov](mailto:vsiebal@oehha.ca.gov)

[nelson@randlettnelson.com](mailto:nelson@randlettnelson.com)